

# ANALYSIS OF ORIGINAL BILL

## Franchise Tax Board

Author: Bowen Analyst: Roger Lackey Bill Number: SB 1065  
Related Bills: See Legislative History Telephone: 845-3627 Introduced Date: 02-26-99  
Attorney: Doug Bramhall Sponsor: \_\_\_\_\_

**SUBJECT:** Public Records/Available In Any Electronic Format Used

### SUMMARY

This bill would require any state or local agency that has public information in an electronic format to make that information available to the public in an electronic format in which the state agency holds the information. The requester would pay direct costs of duplicating the public record in an electronic format. This bill would not permit an agency to make information available only in an electronic format.

### EFFECTIVE DATE

This bill would be effective on January 1, 2000.

### LEGISLATIVE HISTORY

AB 1099 (1999/2000), AB 179 (97/98), AB 142 (95/96)

### SPECIFIC FINDINGS

**Under current state law**, any person may obtain a copy of any identifiable public record, except records exempt from disclosure, upon payment of any fees (statutory or direct costs of duplication). If the record is stored as computer data, the agency is authorized to determine the format in which the computer data are provided to a requester.

**This bill** would require any agency that has public information in an electronic format to provide that information in any electronic format in which it holds that information. The agency also shall provide a copy of any electronic record in any format requested if the agency uses the requested format to make copies for itself or other agencies. **This bill** would not permit an agency to make information available only in an electronic format.

**This bill** would provide that direct costs of duplication include the costs related to duplicating the electronic record.

**This bill** would delete the existing law authorizing an agency to determine the format in which computer data are provided.

### Implementation Considerations

This bill would not significantly impact the department's programs and operations.

### Board Position:

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### Department Director

### Date

**Gerald Goldberg**

**4/16/1999**

Technical Considerations

The language specifying that direct costs of duplication shall include the costs associated with duplicating electronic records is included with the paragraph requiring agencies to provide copies in any format requested under certain conditions. The cost language should be in a separate subdivision to clarify that it also applies when the agency makes the information available in the electronic format in which it holds the information.

FISCAL IMPACT

Departmental Costs

This bill would not significantly impact the department's costs since existing law allows, and this bill further specifies, that agencies can be reimbursed for direct costs of duplication.

Tax Revenue Estimate

This bill would not impact the state's income tax revenue.

BOARD POSITION

Pending.